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Legislative Bulletin

An Official Publication of the Hilliard City Council

Publication Date: January 13, 2021

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RESOLUTIONS

The following resolutions were passed by Hilliard City Council on January 12, 2021.

20-R-107 DETERMINING THAT THE PETITION FOR THE ESTABLISHMENT OF THE ALTON PLACE COMMUNITY AUTHORITY COMPLIES WITH THE REQUIREMENTS OF RC §349.03 AND FIXING THE TIME AND PLACE FOR A HEARING ON THE PETITION FOR THE ESTABLISHMENT OF THE ALTON PLACE COMMUNITY AUTHORITY.

WHEREAS, Alton Place, LLC, an Ohio limited liability company (the "Developer"), has filed a petition (the "*Petition*") with the Clerk of Council for the organization and establishment of the Alton Place Community Authority (the "*Authority*") as a new community authority pursuant to RC §349.03 in order to facilitate a new residential housing development and commercial development; and

WHEREAS, upon the filing of the Petition, this Council, as the "organizational board of commissioners" as that term is defined in RC §349.01(F), is required to determine whether the Petition is sufficient and complies with RC §349.03(A) of the Ohio Revised Code as to form and substance; and

WHEREAS, the City is the only "proximate city" for the Authority as that term is defined in RC §349.01(M); and

WHEREAS, upon the determination of this Council that the Petition is sufficient and complies with the requirements of RC §349.03(A) as to form and substance, this Council is required to fix the time and place of a hearing on the Petition for the establishment of the Authority, which time shall not be less than thirty (30) days, nor more than forty-five (45) days, after the filing date of the Petition.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. This Council has examined the Petition to create the Authority and hereby determines that such Petition is sufficient and complies with the requirements of RC §349.03(A) as to form and substance.

SECTION 2. A hearing on the Petition to create the Authority shall be held commencing at 7 p.m. on ~~January 14~~February 8, 2021.

SECTION 3. The Clerk of Council shall arrange for notice of the time and place of such hearing by publication once each week for three consecutive weeks in a newspaper of general circulation in the City pursuant to RC §349.03.

SECTION 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this resolution were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including RC §121.22.

SECTION 5. This resolution is effective upon its adoption.

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RESOLUTIONS

21-R-01 AUTHORIZING THE CITY MANAGER TO ACCEPT A LIMITED WARRANTY DEED FOR 0.070± ACRES OF LAND FROM HILLIARD PARKWAY LANE, LLC AND DEDICATING THE USE OF THE LAND AS PUBLIC RIGHT-OF-WAY.

WHEREAS, Hilliard Parkway Lane, LLC purchased the property at 4279 Cemetery Road, identified as Parcel No 050-002973 by the Franklin County Auditor's Office; and

WHEREAS, at its regularly scheduled meeting on July 11, 2020, the Hilliard Planning and Zoning Commission ("P&Z") approved a conditional use and a Level "B" site plan under the provisions of Hilliard Code Chapter 1131 for a 6,063-square-foot Sheetz vehicle service station; and

WHEREAS, one of the conditions of the P&Z approval is that an additional 15 feet of right-of-way along Cemetery Road is dedicated to the city per the Thoroughfare Plan prior to occupancy; and

WHEREAS, Hilliard Parkway Lane, LLC has signed a Limited Warranty Deed to the City of Hilliard for 0.070± acres of land that contains the additional 15 feet of right-of-way along Cemetery Road required to be dedicated with the P&Z approval; and

WHEREAS, it is to the interest and benefit of the City of Hilliard and the public at large that the Limited Warranty Deed be accepted by the City of Hilliard.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City Manager is authorized to accept the conveyance of 0.070± acres of land, at no cost, from Hilliard Parkway Lane, LLC by Limited Warranty Deed, and Council hereby dedicates the use of the land as public rights-of-way.

SECTION 2. The City Engineer, or designee, is authorized to approve any necessary administrative changes to affect the proper recording of the Limited Warranty Deed for the property identified in **Exhibit "A"**, **attached** hereto and incorporated herein, and is authorized to provide the Clerk of Council with a final recorded copy of said deed.

SECTION 3. The City Manager, Clerk of Council, and City Engineer, or designee, are authorized to do all acts and to execute all instruments that are necessary or appropriate to carry out the acceptance and recording of the Limited Warranty Deed on behalf of the City.

SECTION 4. This Resolution is effective upon its adoption.

21-R-02 VACATING A PORTION OF A SANITARY SEWER EASEMENT GRANTED TO THE CITY BY GREENWICH INVESTORS HICKORY CHASE, LLC.

WHEREAS, with the approval of Resolution No. 16-R-08 on January 25, 2016, Greenwich Investors Hickory Chase, LLC conveyed a twenty (20) foot wide sanitary sewer easement ("Easement") to the City of Hilliard on Lot 1 for the Hickory Chase subdivision, as described in Plat Book 120, pages 61-63 of the Franklin County Recorder; and

WHEREAS, within the Easement, Hickory Chase constructed and installed a sanitary sewer to provide sewer service for both the Hilliard branch of the Columbus Metropolitan Library and for the Greyson Apartment complex, which sewer the City of Hilliard now owns and maintains; and

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WHEREAS, the Jerry McClain Companies ("Developer") submitted plans and were approved for an assisted living facility known as the Inn at Library Way ("Project"); and

RESOLUTIONS

21-R-02 continued:

WHEREAS, the proposed building on the Project is located over a portion of the Easement, and therefore a portion of the public sanitary sewer must be relocated on the property; and

WHEREAS, the Developer has relocated a portion of the public sanitary sewer on the Project and has abandoned a portion of the existing sanitary sewer under the Project's building; and

WHEREAS, the City of Hilliard will be asked to accept a new easement over the relocated public sanitary sewer on the property; and

WHEREAS, the Easement over the abandoned sanitary sewer is no longer necessary for the ownership and maintenance of this sewer by the City of Hilliard; and

WHEREAS, the Developer has requested that the City vacate a portion of the original sanitary sewer easement granted to the City of Hilliard, as described and depicted in the "Partial Easement Release", **attached** hereto and incorporated herein as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. This Council finds that the request by the Developer for the City to vacate a portion of the original sanitary sewer easement granted to the City of Hilliard, as described and depicted in the "Partial Easement Release", **attached** hereto and incorporated herein as Exhibit "A", is in support of the development and not adverse to the general health, safety and welfare of the public. Said portion of the sanitary sewer easement identified in Exhibit "A" is hereby vacated.

SECTION 2. The Clerk of Council is directed to record this Resolution and Exhibit "A" in the Office of the Recorder of Franklin County, Ohio and notify the Auditor of Franklin County, Ohio about the vacation by sending the Auditor a certified copy of this Resolution and attachments.

SECTION 3. This Resolution is effective upon its adoption.

21-R-03 ACCEPTING A UTILITY EASEMENT AND SIDEWALK EASEMENTS FROM THE INN AT LIBRARY WAY LIMITED.

WHEREAS, Greenwich Investors Hickory Chase, LLC created Lot 1, at the northwest corner of Hickory Chase Way and library Way (the "Property"), in the Hickory Chase subdivision with the recording of the Hickory Chase plat, as described in Plat Book 120, pages 61-63 of the Franklin County Recorder; and

WHEREAS, the current owner of the Property, Inn at Library Way Limited (the "Applicant"), submitted plans and received approval to build an assisted living facility on the Property (the "Project"); and

WHEREAS, the Applicant proposed, and the City approved, to locate its building for the Project on portion of an existing public sanitary sewer, necessitating a relocation of the existing public sanitary sewer around the building; and

WHEREAS, this relocated sanitary sewer has been constructed and inspected by the City of Hilliard and put into service; and

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WHEREAS, in order for the City to accept this sewer as public infrastructure and be able to maintain it, the Applicant has offered to grant a twenty (20) foot wide utility easement for this sewer to the City as shown and described on Exhibit "A", attached hereto and incorporated herein; and

RESOLUTIONS

21-R-03 continued:

WHEREAS, the Project will also necessitate the construction of a public sidewalk along the northern side of Hickory Chase Way between Library Way and Leap Road as an additional pedestrian link in this area; and

WHEREAS, in order to construct this sidewalk and connect it to existing pedestrian facilities at the intersections of both Library Way and Leap Road, small portions of the new sidewalk must be outside the existing Hickory Chase Way right-of-way; and

WHEREAS, instead of dedicating small pieces of additional right-of-way at the intersections of Library Way and Leap Road and creating non-uniform rights-of-way, the Applicant has offered to grant a small sidewalk easement at each intersection as shown and described on Exhibits "B" and "C", attached hereto and incorporated herein; and

WHEREAS, it is in the interest and benefit of the City of Hilliard and the public at large that the City accepts the utility easement and the sidewalk easements from Inn at Library Way Limited.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The City of Hilliard hereby accepts the utility easement as shown and described on Exhibit "A", **attached** hereto and incorporated by reference herein.

SECTION 2. The City of Hilliard hereby accepts the sidewalk easements as shown and described on Exhibit "B" and Exhibit "C", **attached** hereto and incorporated by reference herein.

SECTION 3. The City Manager, City Engineer and the City Law Director are authorized to approve any necessary administrative changes to Exhibits "A", "B", and "C" in order to affect the proper recording of the easement identified thereon, and are authorized to provide the Clerk of Council with a final recorded copy of said easement.

SECTION 4. The City Manager, Clerk of Council and City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carrying out the terms of this acceptance.

SECTION 5. This Resolution is effective upon its adoption.

21-R-04 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH EMH&T, INC. FOR THE DESIGN OF THE UPPER SCIOTO WEST SANITARY SEWER SUB-TRUNK (CIP S-28) AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City's 2021-2025 Capital Improvement Program includes funds for the design and construction of CIP project S-28, Upper Scioto West Sanitary Sewer Sub-Trunk; and

WHEREAS, the sale of the former Grener property between Leppert and Cosgray Roads for the construction of a data center (Ordinance No. 20-36), in addition to City Council's recent approval of both the Carr Farms developer's agreement (Ordinance No. 20-34) and the amended Tarlton Meadows developer's agreement (Ordinance No. 20-35) that both provide a portion of the funding for this project, have made the design and construction of CIP project S-28 a priority; and

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WHEREAS, the City of Hilliard uses a qualifications-based selection (QBS) process to select consultants for engineering design contracts based on technical experience and training of staff, breadth and depth of staff, and familiarity with the Hilliard Capital Improvement Program and the Hilliard Engineering Design Manual; and

RESOLUTIONS

21-R-04 continued:

WHEREAS, the City received one proposal from EMH&T, Inc. ("EMH&T") for the engineering design services for CIP S-28; and

WHEREAS, City staff reviewed and evaluated EMH&T's proposal and determined that EMH&T, Inc. ("EMH&T") possesses the best technical experience and knowledge of the City's CIP project S-28, Upper Scioto West Sanitary Sewer Sub-trunk due to previous preliminary engineering work completed for the project on behalf of another client; and

WHEREAS, the City of Hilliard desires to enter into a contract with EMH&T to provide professional engineering design services to the City for the Upper Scioto West Sanitary Sewer Sub-Trunk; and

WHEREAS, engineering services to be performed by EMH&T include design of a sanitary sewer lift station and force main, and design of a gravity sewer to serve the Carr Farms development, the former Grener parcel, the Tarlton Meadows subdivision, and the Tarlton Meadows West subdivision; and

WHEREAS, by the passage of Ordinance No. 20-27 on November 23, 2020 funds were appropriated in the Capital Improvements Budget for CIP S-28, and pursuant to Section 3.10 of the Charter of the City, authorization to fund the Services may be established by Resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. An expenditure is authorized in the amount of \$359,000 from Fund 304, Object 55 to fund the Professional Services Agreement for Engineering Design Services with EMH&T, Inc.

SECTION 2. The City Manager is authorized to enter into a professional services agreement ("PSA") with EMH&T, Inc., similar to the agreement **attached** hereto as Exhibit "A", in the amount of three hundred fifty-nine thousand dollars (\$359,000) to provide Engineering Design Services to the City (the "Agreement"). The City Manager is authorized to make such changes to the attached Agreement that are not inconsistent with this Resolution and that are not averse to the City, which shall be evidenced conclusively by her signature thereof that such changes are approved by City Council.

SECTION 3. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds provided herein.

SECTION 4. This Resolution is effective upon its adoption.

21-R-05 RE-APPOINTING TWO CITIZEN MEMBERS TO THE BOARD OF TRUSTEES OF THE HERITAGE PRESERVE NEW COMMUNITY AUTHORITY.

WHEREAS, on February 26, 2018, City Council adopted Resolution No. 18-R-19 reappointing Ms. Tabitha McCluskey to the Board of Trustees of the Heritage Preserve New Community Authority ("Board"), for term ending on January 12, 2021; and

WHEREAS, on December 10, 2018, City Council adopted Resolution No. 18-R-116 reappointing Mr. Brian McMillan to the Board of Trustees of the Heritage Preserve New Community Authority ("Board"), for term ending on January 12, 2021; and

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WHEREAS, Ms. McCluskey and Mr. McMillan have expressed a desire and willingness to continue to serve as a Trustee and to accept a reappointment to the Board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

RESOLUTIONS

21-R-05 continued:

SECTION 1. Hilliard City Council reappoints Ms. Tabitha McCluskey to the Heritage Preserve Board of Trustees as citizen member for a three-year term beginning January 13, 2021 and ending January 9, 2024.

SECTION 2. Hilliard City Council reappoints Mr. Brian McMillan to the Heritage Preserve Board of Trustees as citizen member for a three-year term beginning January 13, 2021 and ending January 9, 2024.

SECTION 3. This Resolution is effective upon its adoption.

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